IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ADMIRALTY AND VICE ADMIRALTY JURISDICTION

CHAMBER SUMMONS NO. 1566 OF 2006

IN

ADMIRALTY SUIT NO. 12 OF 2006

AND

CHAMBER SUMMONS NO. 1107 OF 2006

IN

ADMIRALTY SUIT NO. 12 OF 2006

M/S. KIMBERLY-CLARK LEVER PVT. LTD. ..PLAINTIFFS

V/S.

M.V. 'EAGLE EXCELLENCE' & ORS. ..DEFENDANTS

V.C. KOTWAL WITH V.R. DHOND, ASHISH KAMAT I/B A. MEHTA LALJEE & CO. FOR PLAINTIFFS.

RAHUL NARICHANIA WITH K.R. SRIRAM FOR DEFENDANT NO.1.

CORAM : D.K. DESHMUKH, J.

DATE : 14TH FEBRUARY, 2007.

P.C.

1. By both the above Chamber Summons the plaintiff is seeking leave of this court to amend the plaint. Admittedly the defendants have not filed the written statement. Therefore, there can be no

objection to the plaintiff amending the plaint. In case, according to the defendant any of the pleas included in the plaint by amendment is barred by limitation, that question is kept open and the defendant will be at liberty to raise such plea in the written statement. Both the Chamber Summons, therefore, are granted in terms of prayer clause (a). The plaintiff to carry out the amendment in the plaint within 2 weeks.

(D.K. DESHMUKH, J.)